FILED

United States District Court

AUG 11 2005

MIDDLE DISTRICT OF ALABAMA

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

In the matter of the Search of
(Name, address or brief description of person, property or premises to be searched)

111 Sheila Drive, Apt. G-49
Carriage House Apartments
Dothan, Alabama 36301

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 1:05mj92-W

I Margaret Faulkner being duly sworn depose and say:

I am a(n) Special Agent, Federal Bureau of Investigation and have reason to believe

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

111 Sheila Drive, Apt. G-49, Carriage House Apartments,Dothan, Alabama 36301

in the Middle District of Alabama

there is now concealed a certain person or property, namely (describe the person or property to be seized)

SEE ATTACHMENT B

which is (state one or more bases for search set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

property that constitutes evidence of the commission of a criminal offense,

concerning a violation of Title 18, United States Code, Section 2252.

The facts to support the issuance of a Search Warrant are as follows:

See Attached Affidavit

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Margaret L Faulkner
Signature of Affiant

Sworn to before me and subscribed in my presence,

7/28/05 at Montgomery, Alabama
Date City and State

SUSAN RUSS WALKER, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

State of Alabama
County of Houston
Middle District of Alabama

AFFIDAVIT

I Margaret L. Faulkner do depose and state the following:

(1). I am a Special Agent with the FBI and have been so employed for the past 17 1/2 years. Prior to my employment with the FBI, I was employed with the Montgomery Police Department fo 10 1/2 years. While employed with the Montgomery Police Department I investigated child sex crimes as part of my investigative responsibilities for 5 of the 10 1/2 years. Presently I am the Crimes Against Children Coordinator for the Middle District of Alabama and have attended numerous FBI schools dealing with Child Sex Crimes to include schools educating investigators on Child Pornography on the Internet and Child Sex Rings.

2. This affidavit is being made in support of a search warrant for the residence located at 111 Sheila Drive, Apartment G-49, Carriage House Apartments, Dothan, Alabama, 36301, a single family dwelling. Apartment G-49 is located on the upstairs second floor of the "G" building which also encompasses apartments 43 through 50. The "G" building is the first building on the right as one would enter into the apartment complex from Sheila Drive. Apartment 49 is accessed via stairs shared by apartment 47. The "G" building is clearly marked with a green placard on the far upper left side of the building which displays "G 43-50". The building is composed of brick on the first floor and brown wood siding on the second floor. Apartment 49 also has a rear entry door with access via another set of stairs shared with apartment 47. attached to this affidavit . The information contained in my search warrant is based upon information provided by Special Agent Tab Clardy of the Dothan Resident Agency, Mobile Division, as well as information provided by Task Force Officer (TFO) Angie Wilson of the Kansas City

Division FBI. Because this affidavit is being submitted for the limited purpose of securing a search warrant, it does not contain all available information gained from the investigation, but only those facts deemed necessary to establish probable cause for the requested search warrant;

3. I have probable cause to believe that evidence of violations of Title 18, United States Code, Sections 2252 and 2252(A), involving the possession and distribution of child pornography, is located at 111 Sheila Drive, Apartment G-49, Carriage House Apartments, Dothan, Alabama, 36301;

4. TFO Angie Wilson, Kansas City Division FBI, is assigned to the investigation of child pornography offenses;

5. On December 28, 2004, Detective Laurie Dunn, Osage County Sheriff's Office, Osage County, Kansas, contacted TFO Wilson and stated she was investigating a case where a fourteen year old male, Joshua Decker (MINOR), had been communicating with someone he believed to be a twenty-two year old female on Yahoo! using the email addresses aliciajade00@yahoo.com and bullseyenavior00@yahoo.com. The suspect, via Yahoo! instant messenger, by use of threat to coerce, persuaded "the minor" to undress for suspect via "the minor's" web camera. Suspect also had "the minor" perform sexual acts to himself;

6. "The minor" received two emails on December 27, 2004. The content of the first email received from bullseyenavior00@yahoo.com included a video and a statement about what the suspect was going to do with the video. The second email was received from aliciajade00@yahoo.com. It also included the video and a message. The message stated the person sending this message also sent the first message from suspects' friend's account, bullseyenavior00@yahoo.com. Included in the video was "the minor" undressing and touching his genitals. The suspect had recorded these acts which were broadcast to the suspect at her request via "the minor's" web camera. Osage County Sheriff's Office was able to retrieve chat logs from the computer "the minor" was using. The dialogue in the chat logs are between aliciajade00@yahoo.com and "the minor" and

appear to be the communication that was occurring during the time the video was captured;

7. On December 30, 2004, TFO Wilson obtained consent from "the minor's" mother, Deborah Decker, to assume her son's online presence, after which, TFO Wilson entered "the minor's" email account and captured the video clips sent to him from aliciajade00@yahoo.com and bullseyenavior00@yahoo.com;

8. On January 10, 2005, TFO Wilson sent an administrative subpoena to Yahoo! requesting information on Yahoo! screen names "aliciajade00" and "bullseyenavior00";

9. On January 20, 2005, the following information was received:

Login Name:	aliciajade00
Yahoo! Mail:	aliciajade00@yahoo.com
Alternate Mail:	aliciajade@collegeclub.com
Other identities:	happygurl69696969 hottie19girl2003 baby_girlie_02_03
Full Name:	Ms Alicia Rachels
State:	FL
Zip:	32445
Account created:	Sun Jul 13, 2003 21:56:54 PST
Account status:	Active

10. Yahoo! provided internet connection history for "aliciajade00". "Aliciajade00" logged in December 27, 2004 at 12:49:56 EST, from IP address 68.201.148.127. The email containing the child pornography was sent to "josh_decker7@yahoo.com" from "aliciajade00@yahoo.com" at 12:53:51 EST. The IP address belongs to Time Warner Cable/Road Runner and an administrative subpoena was executed;

11. On January 20, 2005, the following information was received:

Login Name:	bullseyenavior00
Yahoo! Mail:	bullseyenavior00@yahoo.com
Alternate Mail:	laguna781@hotmail.com
Other identities:	godissittingthisoneout

	godsapervert
	heavenisasin
Full Name:	Mr Shelby Wexler
City:	Highland Lakes
State:	NJ
Zip:	07422
Account created:	Tues Jun 26, 2001 12:39:12 PST
Account status:	Active

12. Yahoo! provided internet connection history for "bullseyenavior00". "Bullseyenavior00" logged in December 27, 2004, at 12:32:32 EST, from IP address 68.201.148.127. The email containing the child pornography was sent to "josh_decker7@yahoo.com" from "bullseyenavior00@yahoo.com" at 12:48:56 EST. The IP address belongs to Time Warner Cable/Road Runner and is the same as the IP address used by "aliciajade00". The most recent Yahoo! connection by "bullseyenavior00@yahoo.com" was on January 4, 2005 at 17:14:10 EST from IP address 216.6.150.105. The Internet Service Provider is Warwick Valley Telephone. An administrative subpoena was executed;

13. On January 10, 2005, TFO Wilson forwarded an administrative subpoena to Time Warner Cable/Road Runner requesting records on IP address 68.201.148.127, which was being utilized on December 27, 2004, at 09:48:56 PST (12:48 EST) and 09:53:51 PST (12:53 EST);

14. On February 7, 2005, the following information was provided:

Name:	Robert Brown
Address:	111 Sheila Drive, Apt. 949
	Carriage House Apt.
City:	Dothan
State:	AL
Phone:	334-718-9548

15. TFO Wilson identified suspect as follows:

Name:	Robert Floyd Brown
DOB:	June 5, 1982
SSN:	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
Address:	45 Myrtle Street Daleville, AL 36322
AL OLN:	7288260

16. Although suspect's address on his Alabama Driver's License did not match the information provided by Time Warner Cable/Road Runner, a record's check via Choice point listed both addresses for suspect;

17. On July 21, 2005, SA Clardy checked suspect's Alabama Driver's License which reflected an address change on February 15, 2005, to 111 Sheila Drive, Apt. G-49, Carriage House Apartments, Dothan, Alabama, 36301. SA Clardy conducted a utilities check through the City of Dothan which reflected suspect is currently receiving utilities at 111 Sheila Drive, Apt. G-49, Carriage House Apartments, Dothan, Alabama, 36301. SA Clardy also located a green 1998 Pontiac Firebird displaying Alabama License plate 38F562G parked in front of Apt. G-49 Carriage House Apartments which came back registered to suspect;

SEXUAL EXPLOITATION OF CHILDREN BACKGROUND

18. The majority of individuals who collect child pornography are persons who have a sexual attraction to children. They receive sexual gratification and satisfaction from actual physical contact with children and from fantasy involving the use of sexually explicit pictures of children;

19. The majority of individuals who collect child pornography often seek out and correspond with like minded individuals, to share information and trade child pornography and child erotica. This contact helps these individuals to rationalize and validate their sexual interests and behavior;

20. The majority of individuals who collect child pornography maintain books, magazines, newspapers and other writings on the subject of sexual activities with

children, as a way of understanding their own feelings and justifying those feelings. Such individuals rarely destroy these materials because of the psychological support they provide;

21. The majority of individuals who collect child pornography go to great lengths to conceal and protect their collections and rarely, if ever, dispose of their sexually explicit materials;

CONCLUSIONS

22. Based upon the foregoing, affiant has probable cause to believe that evidence of violations of Title 18, United States Code, sections 2252 and 2252A, involving the possession and distribution of child pornography, is located at 111 Sheila Drive, Apartment G-49, Carriage House Apartments, Dothan, Alabama, 3630.

Margaret L. Faulkner

Special Agent Margaret L. Faulkner
Federal Bureau of Investigation

Sworn to and subscribed
before me this 28th
day of July 2005

United States Magistrate Judge

ATTACHMENT "B"
PROPERTY TO BE SEIZED

1. Tapes, cassettes, cartridges, streaming tape, commercial software and hardware, computer disks, disk drives, monitors, computer printers, modems, tape drives, disk application programs, data disks, system disk operating systems, magnetic media floppy disks, CD-ROMs, CD-RWs, CD-Rs, DVDs, hardware and software operating manuals, tape systems and hard drive and other computer related operation equipment, digital cameras, scanners in addition to computer photographs, Graphic Interchange formats and/or photographs, undeveloped photographic film, slides, or other visual depictions of such Graphic Interchange format equipment that may be or are used to depict child pornography, child erotica, information pertaining to the sexual interest in child pornography, sexual activity with children or the distribution, possession or receipt of child pornography, child erotica or information pertaining to an interest in child pornography and the data within the aforesaid objects relating to said materials.

2. Correspondence pertaining to the possession, receipt or distribution of visual depictions of minors engaged in sexually explicit conduct.

3. Visual depictions of minors engaged in sexually explicit conduct in whatever form, including, but not limited to books, magazines, photographs, negatives, films or videocassettes containing such images.

4. Envelopes, letters and other correspondence including, but not limited to, electronic mail, chat logs, and electronic messages that:

   a. Offer to transmit through interstate or foreign commerce, including by United States mail or by computer, visual depictions of minors engaged in sexually explicit conduct;
   b. Solicit minors to engage in sexually explicit conduct for the purposes of producing child pornography;
   c. Identify persons transmitting any visual depiction of minors engaged in sexually explicit conduct.

5. Books, ledgers and records bearing on the production, reproduction, receipt, shipment, orders requests, trades, purchases or transactions of any kind involving the transmission of any visual depiction of minors engaged in sexually explicit conduct.

6. Address books, mailing lists, supplier lists, mailing address labels and any and all documents and records pertaining to the preparation, purchase and acquisition of names or lists of names to be used in connection with the

purchase, sale, trade or transmission of any visual depiction of minors engaged in sexually explicit conduct.

7. Address books, names, lists of names and addresses of minors visually depicted while engaged in sexually explicit conduct.

8. Diaries, notebooks, notes and other records reflecting personal contact and other activities with minors visually depicted while engaged in sexually explicit conduct.

9. Materials and photographs depicting sexual conduct between adults and minors.

10. Records evidencing occupancy or ownership of the premises known and described as including, but not limited to, utility and telephone bills, mail envelopes or addressed correspondence.

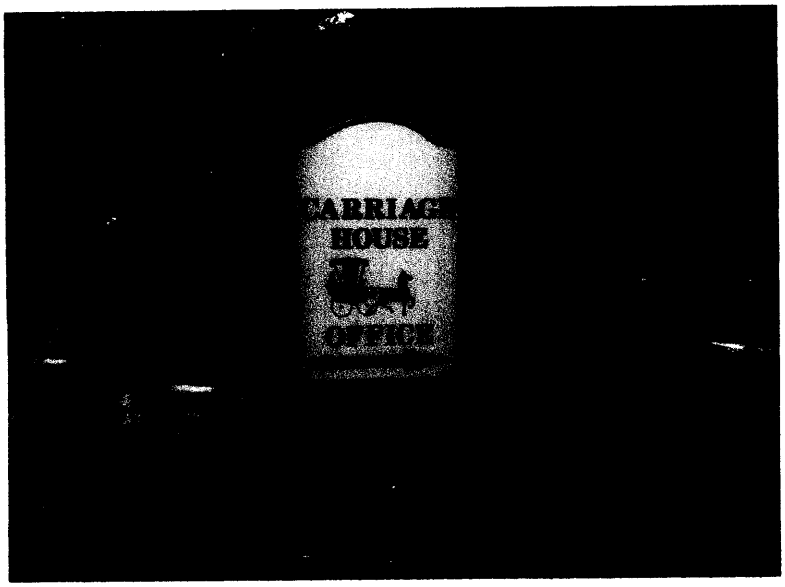
11. Records or other items which evidence ownership or use of computer equipment found in the above residence, including, but not limited to, sales receipts, bills for Internet access, handwritten notes and handwritten notes in computer manuals.

12. Any and all records, documents, invoices and materials that concern any Internet accounts.

13. Any of the items described in paragraphs 1-12 above that are stored in the form of magnetic or electronic coding on computer media, or media capable of being read by a computer, with the aid of computer related equipment, including floppy diskettes, CD-ROMs, CD-Rs, CD-RWs, DVDs, fixed hard drives or removable hard disk cartridges, software or memory in any form. The search procedure for electronic data contained in computer operating software or memory devices, where performed onsite or in a laboratory, or other controlled environment, may include the following techniques:

a. The seizure of any computer or computer related equipment or data, including floppy diskettes, CD-ROMs, CD-Rs, CD-RWs, DVDs, fixed hard drives or removable hard disk cartridges, software or memory in any form containing material described above, and the removal thereof from the PREMISES for analysis by authorized personnel;
b. Surveying various file "directories" and the individual files they contain (analogous to looking that the outside of a file cabinet for the markings it contains and opening a drawer believed to contain pertinent files);
c. "Opening" or cursorily reading the first few pages of such files in order to determine their precise contents;
d. "Scanning" storage areas to discover and possibly recover recently deleted data;

e. Scanning storage areas for deliberately hidden files; or
f. Performing keyword searches through all electronic storage areas to determine whether occurrences of language contained in such storage areas exist that are intimately related to the subject matter of the investigation. Keywords include words relating to pornography, sex, genitalia, intercourse and topics relating to teen and pre-teen activities.


CARRIAGE
HOUSE
OFFICE

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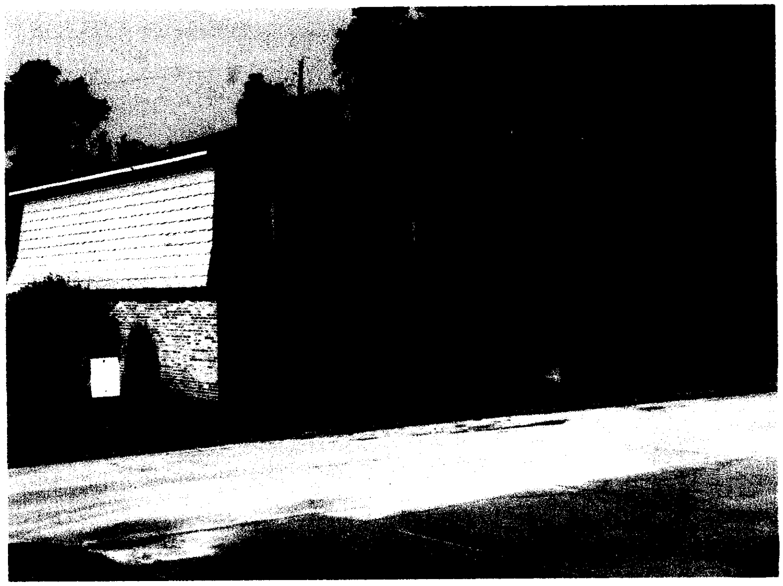

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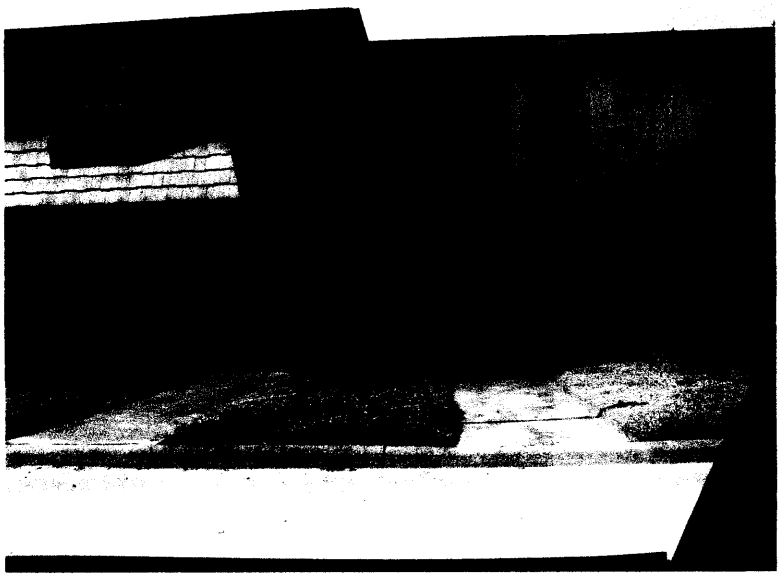

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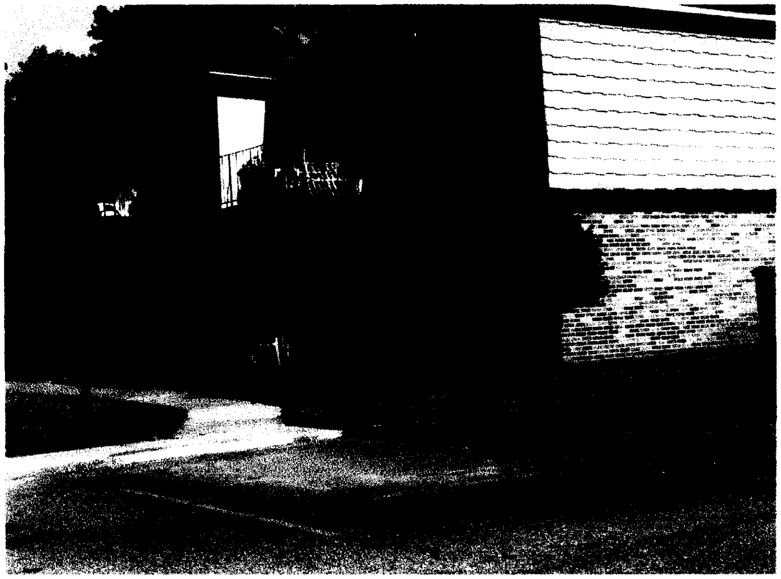

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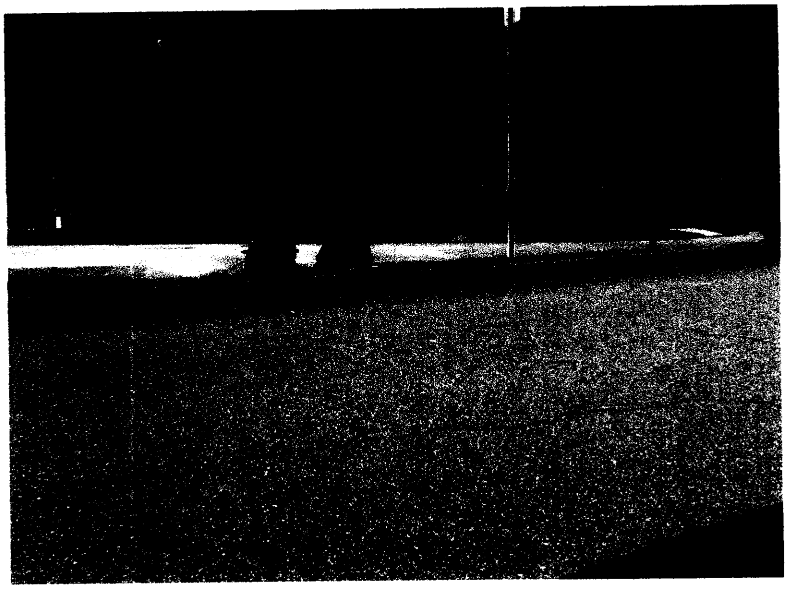

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